



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 28 2011

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Timothy Schlosser
Environmental/ Regulatory and Quality Systems Manager
Chemtrade Logistics
1400 Otter Creek Road
Oregon, Ohio 43616-1232

Dear Mr. Schlosser:

This is to advise you that the U.S. Environmental Protection Agency has determined that the Chemtrade Logistics (Chemtrade) facility at 1400 Otter Creek Road, Oregon, Ohio (facility) is in violation of the Clean Air Act (CAA) and associated state or local pollution control requirements. A list of the requirements violated is provided below. We are today issuing to you a Notice of Violation and Finding of Violation (NOV/FOV) for these violations.

The CAA requires the development of Primary and Secondary National Ambient Air Quality Standards to protect public health and welfare. To attain and maintain these standards, each state is required to develop an implementation plan. Ohio's State Implementation (Ohio SIP) includes the following requirements:

Nitrogen Oxide (NO_x) emissions from Chemtrade's Sulfuric Acid Plant A and Sulfuric Acid Plant B are limited 3.85 lb/hour and 16.5 tons per year and 2.42 lb/hour and 10.6 tons per year, respectively, in accordance with a Best Available Technology (BAT) determination pursuant to OAC 3745-31-05(A)(3). This limit is incorporated into Chemtrade's Title V Permit. The purpose of these limits is to help reduce NO_x, which contributes to acid rain formation and the formation of ground level ozone, which can cause respiratory inflammation.

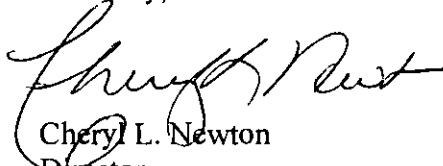
EPA finds that Chemtrade's facility has violated the above listed Ohio SIP requirements as incorporated into Chemtrade's Title V Permit and Permit to Install 04-00923. Since Chemtrade violated its Title V permit, you have also violated Title V of the CAA and its associated regulations which require compliance with terms and conditions of Title V permits. Additionally, in violating the Ohio SIP requirements and Permit to Install Number 04-00923, you have violated Title I of the CAA and its implementing regulations, which require compliance with the terms and conditions of the Ohio SIP and permits to install.

Section 113 of the CAA gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action and bringing a judicial criminal action.

We are offering you the opportunity to request a conference with us about the violations alleged in the NOV/FOV. A conference should be requested within 10 days following receipt of this notice. A conference should be held within 30 days following receipt of this notice. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The EPA contact in this matter is Patrick Miller. You may call him at 312.886.4044 if you wish to request a conference. EPA hopes that this NOV/FOV will encourage Chemtrade's compliance with the requirements of the CAA.

Sincerely,



Cheryl L. Newton
Director

Air and Radiation Division

cc: Robert Hodanbosi
Chief, Division of Air Pollution Control
Ohio Environmental Protection Agency

Karen Granata
Chief, Division of Environmental Services, Air Resources
City of Toledo

Chester R. Babst III
Babst Calland Attorneys at Law
Two Gateway Center
603 Stanwix Street
6th Floor
Pittsburgh, Pennsylvania 15222

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**Chemtrade Logistics
Oregon, Ohio**

Proceedings Pursuant to
the Clean Air Act
42 U.S.C. # 7401-7671q

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**NOTICE OF VIOLATION and
FINDING OF VIOLATION**

EPA-5-11-OH-16

NOTICE AND FINDING OF VIOLATION

Chemtrade Logistics (you or Chemtrade) owns and operates two sulfuric acid plants at 1400 Otter Creek Road, Oregon, Ohio (facility). The sulfuric acid plants are identified as Sulfuric Acid Plant A, Emission Unit P001, and Sulfuric Acid Plant B, Emission Unit P002.

The U.S. Environmental Protection Agency is sending this Notice of Violation and Finding of Violation (NOV/FOV or Notice) to notify you that we have found nitrogen oxide (NO_x) emissions from Sulfuric Acid Plants A and B at your facility in excess of the limits specified in your Title V permit, Permit to Install and the Ohio State Implementation Plan (Ohio SIP). These exceedances constitute violations of the Clean Air Act (the Act or CAA).

Section 113 of the Act provides you with the opportunity to request a conference with us to discuss the violations alleged in the NOV/FOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for the facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

Explanation of Violations

1. The permits and permit conditions relevant to this NOV/FOV are as follows:

- a. Ohio Environmental Protection Agency (OEPA) issued Title V Permit P0088529 (Title V Permit) to the facility on January 30, 2004. Part III, Emission Unit P001 and P002, A.I.I. of the Title V Permit prohibits Sulfuric Acid Plants A and B from emitting NO_x emissions over 3.85 lb/hour and 16.5 tons per year and 2.42 lb/hour and 10.6 tons per year, respectively.
- b. OEPA issued Permit to Install 04-00923 on November 20, 2001 to modify Sulfuric Acid Plants A and B. This permit prohibits Plants A and B from emitting NO_x emissions over 3.85 lb/hour and 16.5 tons per year and 2.42 lb/hour and 10.6

tons per year, respectively, and identifies such rates as Best Available Technology (BAT) in accordance with OAC 3745-31-05(A)(3).

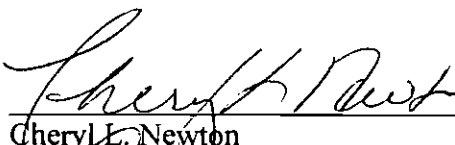
2. Based on information disclosed by Chemtrade to EPA, both Sulfuric Acid Plants A and B have emitted and continue to emit NO_x in excess of 3.85 lb/hour and 16.5 tons per year and 2.42 lb/hour and 10.6 tons per year, respectively.
3. Chemtrade's excess NO_x emissions from Sulfuric Acid Plants A and B are violations of the NO_x limit in Part III Emission Unit P001 and P002 A.1.1. of Title V Permit P0088529 and applicable Ohio SIP requirement specified in the Title V Permit.
4. Chemtrade's excess NO_x emissions from Sulfuric Acid Plants A and B are violations of the NO_x limit in Permit to Install 04-00923 and Ohio SIP Rule OAC 3745-31-05(A)(3).

Environmental Impact of Violations

5. Violation of NO_x standards increases public exposure to NO_x, and contributes to acid rain and ground level ozone formation, which can cause respiratory inflammation.

Date

9/28/11



Cheryl L. Newton
Director

Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. EPA-5-11-OH-16, by Certified Mail, Return Receipt Requested, to:

Timothy Schlosser, Environmental/Regulatory and Quality Systems Manager
Chemtrade Logistics
1400 Otter Creek Road
Oregon, Ohio 43616-1232

And

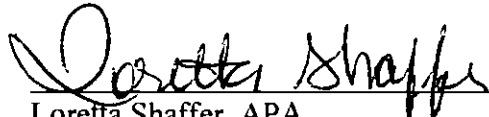
Chester R. Babst III
Babst Calland Attorneys at Law
Two Gateway Center
603 Stanwix Street
6th Floor
Pittsburgh, Pennsylvania 15222

I also certify that I sent copies of the Notice of Violation and Finding of Violation by first-class mail to:

Robert Hodanbosi
Chief, Division of Air Pollution Control
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, Ohio 43216-1049

Karen Granata
Chief, Division of Environmental Services, Air Resources
City of Toledo
348 South Erie Street
Toledo, Ohio 43604

On the 28 day of September 2011.


Loretta Shaffer, APA
Planning and Administration Section

CERTIFIED MAIL RECEIPT NUMBER: 70091680 0000 7672 8003
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